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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,852	04/03/2001	Jay M. Short	INVIT1250-4	4596

7590

05/04/2004

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EXAMINER

TRAN, MY CHAU T

ART UNIT PAPER NUMBER

1639

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO. 09825852	FILING DATE 4/3/01	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION SHORT, JAY M.	ATTORNEY DOCKET NO. INVIT1250-4
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EXAMINER

MY-CHAU T. TRAN

ART UNIT

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20040430

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Commissioner of Patents

- 1) Applicant submission of the "Sequence Listing" filed on 12/8/03 for both a paper copy and a computer readable form are acknowledged and entered.
- 2) Applicant elected Group I (Claims 1, 3-9, and New Claims 22-28) with traverse is acknowledged and the traversal will be address in the First Office Action on the Merit.
- 3) Applicant also elected with traverse the following elected species: 1) the nucleic acid scaffold having a 5' and 3' flanking region with a sequence as set forth in SEQ ID Nos. 1 and 2 and a randomized middle sequence of 36 nucleotides that includes 3 of the 4 bases occurring at similar frequency and one of the four bases occurring at a rare frequency of 5% (i.e. 2 positions); 2) the linkers are two identical linkers that are formed by reacting phenylboronic acid with salicylhydroxamic acid, each linker being bound to a uridine residue on the scaffold through a 5-position of a uracil base of the uridine residue; 3) the agents are two threonine residues each bound to a linker through a carboxyl group on each of the threonine molecules; 4) the target is a thrombin target; 5) the interaction is a morphatide that binds to, or associates with an agent; 6) the method of separation is chromatography.
However, the species election is incomplete and confusing for the following reasons:
 - a) It is incomplete because applicant did not provide a "core structure" from which the "library of morphatides" is created even though each morphatides have region(s) of randomized sequence (i.e. a "starting core structure"). The requirement are reiterated below:
"Base on the election of species (a), (b), and (c) the selection of the number and/or type of "linker" and/or "agent" must include the point and/or means of attachment to a particular scaffold that would results in a morphatide." and "For this response to be complete and for search purposes, applicants should provide the chemical structure of elected compounds or composition or species, wherein each specific formula substituents of each of the above identified elected species are defined either by picture, or by expressing the species in terms of the variables of the formula."
 - b) It is confusing in that applicant elected that the interaction of the morphatide with the target is a morphatide that binds to or associates with an agent (i.e. the target and the agent are synonymous to each other). Thus the election that the agent is two threonine residue and the target is thrombin is confusing.

Thus in order to further prosecution and comply with the species election for purpose of search applicant is requested to provide the length of the nucleic acid scaffold (e.g., 50, 100, or 1000), the position on the scaffold in which SEQ ID Nos. 1 and 2 flank the scaffold, the position of the variable core region on the scaffold (i.e. where the variable core region begin and end within the scaffold), and the position of the two uridine on the scaffold. Furthermore applicant is requested to clarify the election of the type of interaction as claimed in step (b) of claim 1.

4) Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 703-305-6999. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 703-306-3217. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct
May 1, 2004


PADMASHRI PONNALURI
PRIMARY EXAMINER